

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action of March 16, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-22 are pending in the Application. Claim 22 is added by this amendment. By means of the present amendment, the claims are amended including for better conformance to U.S. practice as well as for correcting certain informalities noted upon review of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

The Applicants appreciate the courtesies extended by Examiner Hoel during the teleconference with Gregory L. Thorne, attorney for the Applicants although no consensus on the issues was reached. The Applicants further appreciate the indications of allowability regarding prior claims 19 and 20 as indicated in the Final Office Action on page 14.

The Applicants have elected to provide new claim 22 which substantially corresponds to claims 19 and 20 as previously presented.

In the Final Office Action, claims 1-18 and 21 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,618,045 to Kagan ("Kagan") in view of U.S. Patent No. 6,287,200 to Sharma ("Sharma"). Claims 19 and 20 are rejected under 35 U.S.C. §103(a) over Kagan in view of Sharma in view of U.S. Patent No. 6,561,809 to Lynch ("Lynch"). These rejections

of claims 1-21 are respectfully traversed. It is respectfully submitted that claims 1-21 are patentable over Kagan in view of Sharma alone and in view of Lynch for at least the following reasons.

It is undisputed that Kagan does not teach, disclose or suggest "specificity as to the competition-related information depending on the physical locations of the modular units relative to each other." (See, Final Office Action, page 2.) Sharma is cited to provide that which is admitted missing from Kagan, however, it is respectfully submitted that reliance on Sharma is misplaced.

The Final Office Action takes a position that "Sharma discloses competition-related information pertaining to the relative positions of the players while the mobile units are connected to each other." (See, Final Office Action, page 4.)

While it is true that Sharma determines who may participate based on who is within radio frequency communication range (see, Sharma, Col. 2, line 53 through Col. 3, line 8 as cited in the Office Action, however it is respectfully submitted that Sharma does not "teach the players' relative [physical] locations with competition-related information pertaining to which player is on which team and which side of the virtual volleyball net each player is on."

In fact, it is respectfully submitted that in contrast with what is asserted in the Final Office Action, Sharma is clear that (emphasis added) "the players are divided into Teams X and Y, respectively, by choice." (See, Sharma, FIG. 3 cited in the Final Office Action, and col. 3, lines 34-38.) Sharma is further clear in contrast with the assertions contained in the

Final Office Action that (emphasis added) "the mobile device display for all participating mobile devices will show the game set-up as shown in FIG. 3, even though the players, who are the users of participating mobile devices A through D, are randomly located throughout the radio frequency protocol frequency range." (See, Sharma, col. 3, lines 39-44.)

However, in the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to address apparent concerns raised in the Final Office Action.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kagan in view of Sharma. For example, Kagan in view of Sharma does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "connecting a first set of modular units to a second set of modular units, wherein each set of modular units comprises at least one modular unit with each modular unit having a plurality of ports; determining which one of the plurality of ports of the first set of modular units is connected to which one of the plurality of ports of the second set of modular units; determining a set of information items for at least one modular unit, wherein each information item individually relates to a specific modular unit in the first and second sets, wherein the set of information items represents competition-related information, wherein the determined set of information items comprises connection-related information indicating which ones of the plurality of ports of the first set of modular units are connected to which ones of the plurality of ports of the

second set of modular units; creating a common game space including the determined set of information items based on the indication of which ones of the plurality of ports of the first set of modular units are connected to which ones of the plurality of ports of the second set of modular units such that each unique indication of connections of ports between the first and second set of modular units results in a correspondingly unique game space; and presenting the set of information items on the connected modular units during the competition" as recited in claim 1, and as similarly recited in each of claims 5, 6 and 7.

Sharma in fact is clear that the competition and the team make-up is determined by user choice even though, in the words of Sharma, "even though the players ... are randomly located throughout the radio frequency protocol frequency range." (See, discussion above.)

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5, 6 and 7 are patentable over Kagan in view of Sharma and notice to this effect is earnestly solicited. Claims 2-4, and 8-21 respectively depend from one of claims 1, 5, 6 and 7 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example, regarding new claim 22 which is based on prior claims 19 and 20, the Final Office Action admits that "the combination of Kagan and Sharma discloses all of the limitations of these claims but lacks specificity as to determining the size and layout of a virtual playfield" but takes a position that "Lynch, however, discloses these limitations ..." (See, Final Office Action, page 12.) However, it is respectfully submitted that reliance on

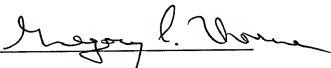
Lynch is misplaced. While it is undisputed that Lynch states that the size of the virtual field can be "range in size" (see, Lynch, col. 13, lines 52-54, cited in the Final Office Action), it is respectfully submitted that nowhere within the four corners of Lynch does it teach, disclose or suggest "the competition-related information during the competition depends on the physical locations of the connected modular units relative to one another; ... wherein a cumulative physical layout of the connected modular units determines at least one of a size of a play field and a layout of virtual players during the competition" as recited in claim 22.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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